

Abstract

Thesis title: Civil liability for Artificial Intelligence

The main objective of this thesis is to introduce the topic of artificial intelligence, define what is artificial intelligence and to address the main question of who is responsible for the damage caused by artificial intelligence. With the launch of large-scale language models such as ChatGPT, as well as their significant visibility, both through social media and other channels, the need for comprehensive regulation of artificial intelligence is becoming more and more urgent. It is only a matter of time before the first lawsuits seeking damages caused by an autonomous vehicle, language model such as ChatGPT or some more advanced form of artificial intelligence are filed. The question is whether legislation will be enacted to regulate these situations and bring legal certainty to victims or whether it will be enacted too late, by which time legal certainty and protection for victims will be substantially reduced.

The first two parts of this thesis aim to describe the history of artificial intelligence, its different types and their distinctions. In the second part, the thesis defines the concepts of civil-law liability, its types and differences, the legal prerequisites for its creation and describes the institutes and concepts that are then used in the following parts of the thesis, which are devoted to the analysis of specific legislation.

Furthermore, the third part of the thesis analyses contractual liability and uses the terms of use of the ChatGPT developer, OpenAI, for such analysis. It focuses on the legality, validity and enforceability of the specific provisions of these terms of use in the context of Czech law and distinguishes the legal effects in relation to natural persons, consumers and legal entities.

The fourth part analyses non-contractual liability and its general and special provisions in the Civil Code. In case of shortcomings of the current legislation, the thesis also proposes its own modifications to the current regulation as part of *de lege ferenda* reflections.

The fifth part addresses regulation of the European Union and its evolution. It briefly discusses all the important documents that have been published and that provide the basis from which the legislators took inspiration in the design and adoption of the first regulation on artificial intelligence, the Regulation establishing harmonised rules on artificial intelligence. The main objective of the last part of the paper is to present and summarise in a coherent way the developments for 2023 and the first half of 2024 in the field of AI regulation.

Key words: artificial intelligence, civil liability, regulation of European Union